

NCLT, KOCHI BENCH**Daily Orders**

Date: 1st Dec 2021

In the Bench of: **Shri Ashok Kumar Borah, Hon'ble Member (Judicial) &
Shri Anil Kumar B, Hon'ble Member (Technical)**

1 CP(IBC)/37/KOB/2021

Learned counsel for the Petitioner Shri Vinod PV appeared through VC. None appeared for the Respondent.

Order Pronounced. CP(IBC)/37/KOB/2021 stands allowed and IRP appointed vide separate Order.

2 CP(IBC)/38/KOB/2021

Learned counsel for the Petitioner Shri Vinod PV appeared through VC. None appeared for the Respondent.

Order Pronounced. CP(IBC)/38/KOB/2021 stands allowed and IRP appointed vide separate Order.

3 COMP.APPL/86/KOB/2021 IN TCP/14/KOB/2020 (TCP/67/2016(CB))

Learned counsel for the Petitioner Shri Sharad Kodiathara as well as learned counsel for R2 & R3 Shri Mohan Pulickkal appeared through VC.

Order pronounced. COMP.APPL/86/KOB/2021 IN TCP/14/KOB/2020 (TCP/67/2016(CB)) stands disposed of vide separate Order.

4 CA/78/KOB/2020

Learned counsel for the Petitioner Shri Aswin Gopakumar as well as learned counsel for R1 to R4 Shri Nibil Nizar appeared through VC.

Order pronounced. CA/78/KOB/2020 stands rejected vide separate Order.

5 CP/40/KOB/2021

This CP has been filed under Section 213 of the Companies Act, 2013 by Shri M.M.Abdul Basheer against INKEL and others with the prayer to pass an order that the affairs of the R1 & R2 Companies in respect of the Calicut Bye-pass NHAI Project and the acquisition by R1 of shares in M/s. Seguru Foundations and Structures Pvt Ltd be investigated by an Inspector or Inspectors appointed by the Central Government.

Learned counsel for the Petitioner Shri Harikumar G.Nair appeared through VC. Adv Chithash Vijayvergia filed vakkalath for the respondents and appeared through VC.

The respondents are directed to submit the reply statement within two weeks, serving a copy to the Petitioner, who may file rejoinder, if any, at least two days before the next date fixed.

List on 03.01.2022 for hearing.

6 IA(IBC)/182/KOB/2021 IN IBA/41/KOB/2020

This IA has been filed by the IRP under Section 19 of the IBC, 2016 against the suspended Directors seeking direction for their co-operation in the CIR Process.

The IRP is directed to issue fresh notice to the respondents through Registered Post with A/D / Speed Post and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the respondents through email. Shri Jasin Jose submitted that he will issue the notice to the respondents today itself and requested to list the matter at an early date.

List on 14.12.2021. Respondents are directed to submit their reply statement at least two days before the above date.

7 CP/49/KOB/2020

Learned PCS for the petitioners Shri C.S.Vivek Kumar as well as learned counsel for the respondents Shri Terry V. James appeared through VC.

Pleadings are complete.

List on 10.12.2021 for final hearing (High on Board).

8 CP/09/KOB/2021

Learned counsel for the Petitioner Shri Akhil Suresh as well as learned counsel for R1 to R4 Shri Clint Li Johny appeared through VC.

Vide Order dated 03.03.2021 the petitioners were directed to issue fresh notice to R2 to R6 and submit proof of service (A/D card or Postal Track Record) with an affidavit before 08.04.2021. But it appears from records that the petitioners have not yet submitted the proof of service with regard to the notice served to R4 & R5.

The Petitioner is therefore directed to submit the proof of service with respect to R4 & R5 before the next date fixed.

List on 16.12.2021 for hearing.

9 MA(IBC)/30/KOB/2021 IN IA(IBC)/21/KOB/2021 IN TIBA/03/KOB/2019

This MA has been filed by the Petitioner Canara Bank against RBL Bank Ltd and 3 others under Section 60(5) of the IBC, 2016 with the prayer to direct to amend the Resolution Plan and incorporate the rights of the Petitioner/dissenting creditor.

Learned counsel for the RP Shri Akhil Suresh appeared through VC. Adv Shri Chitrash Vijayvergia appeared through VC stating that he represents R2 & R3 and vakkalath will be filed within a week.

During the hearing, Member (Technical) stated that he be exempted from hearing of this matter since he was the Company Secretary of the R2 Company.

Therefore, Registry is directed to take necessary action for constitution of a Special Bench to hear this matter.

List on 17.12.2021.

10 CP(IB)/30/KOB/2021

Learned counsel for the applicant Shri Vinod PV as well as learned counsel for the respondent Smt Liza Meghan Cyriac appeared through VC.

Smt. Liza Meghan Cyriac stated that she has already received the corrected copy of the Petition from the learned counsel for the Petitioner.

Heard the arguments of both sides and perused the whole case records.

Reserved for Orders.

11 CP/12/KOB/2020

Learned counsel for the Petitioners Shri Jagan Abraham M George as well as learned counsel for R1 to R4 Shri Sharad Kodianthara appeared through VC.

While the learned counsel for the petitioner started his arguments, it is noticed that the Respondents have not yet complied with the Order of this Tribunal. Vide Order dated 02.07.2021 the respondents were directed to (i) enquire with Registrar of Companies, Kerala and obtain the documents necessary for giving to the Applicants which are not in the custody of the R1 Company (ii) if soft copies are available with the respondent Company, those documents are to be retrieved and provide copies of the same to the Petitioners.

The respondents are therefore directed to file the aforesaid documents with an affidavit before this Tribunal with a copy served to the petitioners within a week positively.

List on 04.01.2022 for hearing.

12 CP/11/KOB/2021

Learned counsel for the Petitioners Aswin Gopakumar as well as learned counsel for R1 Shri Thobias Powell appeared through VC.

As per records, notice was duly served to R2, R3, R4 and R5. But they neither appeared through VC nor filed any reply statement. **Therefore R2, R3, R4 and R5 are hereby set ex-parte.**

During the course of arguments both the parties submitted that they are interested to explore the possibility of settling the matter through a mediator.

In the light of the above submissions, both the parties are directed to suggest a name of a professionally qualified mediator to settle the matter amicably. The parties may bear in mind that it would be advantageous to both the parties if they suggest a common name as mediator.

List on 10.12.2021 to consider the name of the mediator. (High on Board).

13 CP/21/KOB/2021

Learned counsel for the Petitioner Shri Thobias Powell appeared through VC. None appeared for R2.

Even though the Company Prosecutor, who appeared for R2, submitted in the last date of hearing that he would file the counter in this CP within 7 days, no counter has yet been filed. R2/ROC is directed to file the counter within 7 days positively, failing which, law will take its own course..

List this matter for final hearing on 16.12.2021.

13 IVNP/2/KOB/2021 IN CP/21/KOB/2021

This IVNP has been filed by the applicant under Rule 11 of the NCLT Rules, 2016 for intervention in CP/21/KOB/2021 and to implead him as an Additional Respondent in the said CP.

Learned counsel for the applicant Shri Aswin Gopakumar as well as learned counsel for R1 Shri Thobias Powel appeared through VC. None appeared for R2 (ROC).

Reply Statement of R1 is on record. ROC has not yet submitted any reply statement.

ROC is directed to file the counter within 7 days positively, failing which, law will take its own course.

List this matter for final hearing on 16.12.2021.